

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

KEITH LEANNEL CARTER, #1122236,	§	
	§	
Petitioner,	§	
v.	§	Civil Action No. 3:15-CV-3758-L
	§	
WILLIAMS STEPHENS, Director	§	
TDCJ-CID,	§	
	§	
Respondent.	§	

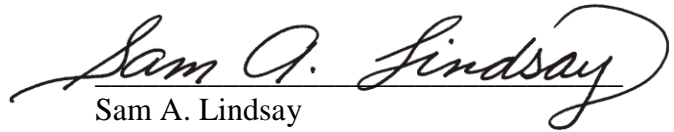
ORDER

Before the court is Petitioner Keith Leannel Carter’s (“Petitioner”) *pro se* petition for habeas corpus relief pursuant to 28 U.S.C. § 2254. The case was referred to Magistrate Judge Renee Harris Toliver, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on February 5, 2016, recommending that the court dismiss this action without prejudice and transfer it to the United States Court of Appeals for the Fifth Circuit as a successive application. No objections to the Report were filed.

Having reviewed the file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **directs** the clerk of the court to **transfer** Petitioner’s section 2254 motion to the Fifth Circuit for determination and **dismisses** this action **without prejudice** for lack of subject matter jurisdiction.*

* An order transferring a successive application to the court of appeals is not a final order requiring a certificate of appealability. *See United States v. Fulton*, 780 F.3d 683, 688 (5th Cir. 2015).

It is so ordered this 25th day of February, 2016.


Sam A. Lindsay
United States District Judge